

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**GREGG ASHLEY SMITH and
ELLIOT JOEL SMITH,**

Defendants

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) **Civil Action**
) **No. 07 CV 8394**
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PROPOSED ORDER DIRECTING PAYMENT TO TREASURY

Dated: February 26, 2008

RESPECTFULLY SUBMITTED,

_____/s/_____

Stephen E. Donahue (SD-5100)

ATTORNEY FOR PLAINTIFF
U. S. SECURITIES AND EXCHANGE
COMMISSION
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Certificate of Service

I hereby certify that on this 26th day of February, 2008, I caused copies of the foregoing to be served by U.S. Mail, in a properly addressed envelope to each of the following:

Seth L. Levine, Esq.
Foley & Lardner LLP
90 Park Avenue
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Counsel for Defendant, Elliot Joel Smith

and

Michael J. Missal, Esq.
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Counsel for Defendant, Gregg Ashley Smith

_____/s/_____
Stephen E. Donahue
Attorney for Plaintiff

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ORDER DIRECTING PAYMENT TO TREASURY

On motion of Plaintiff Securities and Exchange Commission, it is hereby,

ORDERED that the Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this court in the principal amount of \$890,415.48, plus all accrued interest, minus any statutory users fees, payable to the Securities and Exchange Commission, Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and mail or deliver the check to the Commission, under cover of a letter that identifies the caption and case number of this case and the name of this Court, and that indicates that the funds are being paid

for deposit by the Securities and Exchange Commission, into the United States Treasury; and it is hereby further

ORDERED that upon receipt of such funds, the Securities and Exchange Commission, shall promptly remit the funds to the United States Treasury.

Dated: _____

UNITED STATES DISTRICT JUDGE